

REMARKS/ARGUMENTS

Claims 25, 26, 28, 31, 34, 43, 49, 50, 52, 56, 58, 76 and 82-86 are present in this application. By this Amendment, claims 25, 26, 28, 49, 50, 52 and 82 have been amended, and claims 27, 29, 51 and 53 have been canceled. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claims 25-28, 31, 34, 43, 49-52, 56, 58, 76 and 82-86 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 4,889,248 to Bennett in view of U.S. Patent No. 5,918,761 to Wissinger. This rejection is respectfully traversed.

Without conceding the grounds of rejection, independent claims 25, 49 and 82 have been amended to include a feature of the invention shown in Fig. 2. With reference to Fig. 2, the lid 12 is formed with a part-spherical central portion 12A in the middle of which is the central opening 11. The outer edge of the spherical portion 12A is turned through approximately 180° to form an outer portion 12B in alignment with and closely adjacent the inner walls of the container 10 towards the upper edge thereof. This structure is useful in ensuring a good seating of the lid 12 on the container 10 to reduce the possibility of any leakage or unseating of the lid from the container. See, for example, page 6, lines 17-22 and page 7, lines 13-21. More specifically, claim 25 has been amended to recite that the lid has a part-spherical central portion (12A) in the middle of which is the opening (11) for the blending means, where the outer edge of the part-spherical central portion (12A) is turned through approximately 180° to form the first circumferential portion (12B), and wherein the upper end of the central portion (12A) lies substantially level with the upper end of the container in use, and wherein the region in which the blending element operates has curved surfaces. Claims 49 and 82 have been similarly amended.

Neither Bennett nor Wissinger discloses corresponding structure. With regard to the “circumferential portions,” the Office Action references “solid projections upward” and “hollow indentation pointing downward” in Bennett. Without conceding this characterization of the Bennett structure, as noted, the Bennett structure lacks an outer edge of a part-spherical central portion being turned through approximately 180° to form the first circumferential portion. Wissinger does not correct this shortcoming in Bennett, and Applicant thus respectfully submits that the rejection of independent claims 25, 49 and 82 should be withdrawn.

With regard to the dependent claims, Applicant submits that these claims are allowable at least by virtue of their dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 29 and 53 were rejected under 35 U.S.C. §103(a) over Bennett in view of Wissinger and U.S. Patent No. 6,736,538 to Bittner. Without conceding this rejection, claims 29 and 53 have been canceled by this Amendment. Withdrawal of the rejection is requested.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicant’s undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to Deposit Account No. 14-1140.

McGILL
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Respectfully submitted,

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